

**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**August 20, 2001**

**2:00 p.m.**

**The Council of the City of Roanoke met in regular session on Monday, August 20, 2001, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.**

**PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr. and Mayor Ralph K. Smith-----7.**

**ABSENT: None-----0.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was opened with a prayer by The Reverend Kevin Smith, Pastor, Washington Heights Grace Brethren Church.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.**

**PRESENTATIONS:**

**PARKS AND RECREATION-ACTS OF ACKNOWLEDGEMENT: Mr. Bestpitch offered the following resolution:**

**(#35514-082001) A RESOLUTION paying tribute to Carl H. Kopitzke, upon his relinquishment of the Chair of the Mill Mountain Advisory Committee, and expressing to him the appreciation of this City and its people for his exemplary public service.**

**(For full text of Resolution, see Resolution Book No. 64.)**

Mr. Bestpitch moved the adoption of Resolution No. 35514-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

The Mayor presented Mr. Kopitzke with a ceremonial copy of the above referenced measure and a “Star” paperweight.

**PROCLAMATIONS:** The Mayor presented a proclamation declaring the month of September, 2001, as Native American Month in the City of Roanoke.

**AUDITS/FINANCIAL REPORTS-ACTS OF ACKNOWLEDGMENT:** The Mayor advised that the City of Roanoke has received awards for its comprehensive annual financial report and pension plan which were awarded by the Government Finance Officers Association of the United States and Canada. He stated that the awards represent the highest form of recognition in the area of governmental accounting and financial reporting and their attainment represents a significant accomplishment by a government and its management. He further stated that the awards have been received by the City’s Finance Department for the past 27 consecutive years. He presented certificates and plaques to the Director of Finance and commended the Finance Department for its outstanding accomplishments.

### **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately.

**MINUTES:** Minutes of the regular meetings of Council held on Monday, July 16, 2001, the work session held on Monday, July 30, 2001, and the regular meeting held on Monday, August 6, 2001, were before the body.

(For full text, see Minutes on file in the City Clerk’s Office.)

Mr. Carder moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**ANNUAL REPORTS-MUNICIPAL AUDITOR: An annual report of the Municipal Auditor for the year ended June 30, 2001, was before Council.**

**It was advised that the goal of Municipal Auditing is to provide Council and the City administration with analyses, appraisals, recommendations, counsel, and information concerning financial related activities of the City; the office performs its audit work in accordance with generally accepted government auditing standards promulgated by the Comptroller General of the United States; during the year ended June 30, 2001, audit coverage was provided of the City's financial activities by monitoring external audit activities; evaluating systems of internal controls to determine whether they are designed to meet management's needs and are functioning as planned, and substantive testing to determine whether procedures produced reasonable results or additional work was necessary; recommendations were made to correct any deficiencies encountered in internal controls and technical assistance was provided to implement recommendations; and each audit was reported in writing to the City Council's Audit Committee.**

**It was further advised that significant audit activity completed during fiscal year 2001 includes: Financial Audits, Financial Related Audits, Technical Assistance, and internal auditing services to the School Board.**

**(For full text, see report on file in the City Clerk's Office.)**

**Mr. Carder moved that the report be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**AUDITS/FINANCIAL REPORTS-ANNUAL REPORTS-AUDIT COMMITTEE: An annual report of the Audit Committee for the fiscal year ended June 30, 2001, was before Council.**

**It was advised that the Audit Committee accomplished the following tasks:**

**Reviewed and concurred with the annual plan presented by KPMG Peat Marwick;**

**Reviewed and concurred with the Municipal Auditor's annual audit plan;**

**Reviewed the independent accountant's report with representatives from KPMG Peat Marwick and City officials;**

**Reviewed the internal audit reports with the Municipal Auditor and City officials;**

**Reviewed an external quality control review prepared by the Virginia Local Government Auditors Association peer review team; and**

**Furnished a copy of the minutes of each committee meeting to City Council and City officials.**

**(For full text, see report on file in the City Clerk's Office.)**

**Mr. Carder moved that the report be received and filed. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**CITY CLERK-HUMAN DEVELOPMENT-PERSONNEL DEPARTMENT-HUMAN DEVELOPMENT COMMITTEE-OATHS OF OFFICE-COMMITTEES: The following reports of qualification were before Council:**

**Sheila N. Hartman as Assistant Deputy City Clerk, effective August 7, 2001;**

**Gail Burruss as a member of the Advisory Board of Human Development for a term ending November 30, 2004;**

**William C. Holland as a member of the Personnel and Employment Practices Commission for a term ending June 30, 2004; and**

**Evelyn F. Board as a member of the Human Services Committee for a term ending June 30, 2002.**

**(See Oaths or Affirmations of Office on file in the City Clerk's Office.)**

**Mr. Carder moved that the reports of qualification be received and filed. The**

**motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

### **REGULAR AGENDA**

#### **HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**ROANOKE ARTS COMMISSION:** Mark C. McConnell, Chair, Roanoke Arts Commission, and Chair of the Per Cent for Arts Committee, addressed Council in regard to the Per Cent for Arts Program and Municipal Art in the City of Roanoke.

**Mr. McConnell** advised that academic research supports the value of art, and recent studies have found that students who have experienced art in the home score 30 per cent higher on academic skill tests than those students who have not had involvement in the arts. He stated that another study found that students who studied art scored 45 per cent higher on verbal skills and 32 per cent higher on math skills on their SAT's; and arts and cultural attractions not only enhance quality of life, but have a tremendous economic impact on the community by attracting tourists and businesses that generate revenue for the City. He added that the arts contributed \$849 million to the Commonwealth of Virginia, \$342 million additional dollars to Virginia tourism businesses; \$324,000.00 in admission and payroll taxes were paid to the City of Roanoke by arts organizations in 1999; and a Virginia Tech study indicated that in 1999, the net total direct output of the arts in Roanoke was \$15 million, with an extended effect of \$24.2 million.

He further advised that Roanoke has two mechanisms for promoting the arts and its economic development benefits; i.e.: the Per Cent for Arts Program -- in 1996, the City of Roanoke joined over 300 cities and approximately six states in establishing legislation that provided a funding mechanism for public art in association with certain capital improvements, for example, the Per Cent for Art Committee reviews upcoming capital improvement projects and submits a recommendation to the City Manager as to which of the projects should receive an additional one per cent of capital expenditure for arts, the City Manager reviews the recommendation and submits a recommendation to Council, and art acquired in association with capital projects is solicited and procured through the Roanoke Arts Commission, with input from participants in the Capital Improvements Program. He explained that over the past five years, since inception of the program, no projects have been recommended for inclusion in Per Cent for Art funding; however, there is a functioning Per Cent for Art Committee that has been adequately staffed by the City Manager and a recommendation will be submitted to the City Manager within one

month.

Secondly, Mr. McConnell advised that in 1979, the City participated in a program of purchasing one work of art each year from the Roanoke City Art Show; whereupon, he presented slides depicting art work of local artists in the Roanoke area which were purchased as a part of the program. He stated that the City's revitalization efforts that embraced public art in 1979 have been successful with beautiful pieces of art that are displayed throughout the City; however, the spirit for continuing these efforts must be renewed because for approximately a decade and one-half the City has not purchased any art on its own, therefore, young and emerging artists are not represented in the City's art collection. He advised that on behalf of the Roanoke Arts Commission, it is recommended that the City re-institute its practice of purchasing art from the Roanoke City Art Show in order to support local artists, economic development, quality of life and City residents and visitors and to provide a record of artistic achievements in the Roanoke Valley.

Mr. Harris inquired as to the status of a catalogue identifying all publicly owned art acquired by the City of Roanoke; whereupon, Mr. McConnell advised that two members of the Roanoke Arts Commission are working on a project to catalogue pieces of art which will be digitally photographed, thereby enabling photographs to be posted on a web-site to provide greater access to citizens.

Without objection by Council, the Mayor advised that the remarks of Mr. McConnell would be referred to the City Manager for response.

**VIRGINIA AMATEUR SPORTS/COMMONWEALTH GAMES:** Peter Lampman, President, Virginia Amateur Sports, Inc., advised that for the year 2001, over 10,000 athletes participated in the Virginia Commonwealth Games and over the past 12 years, 100,000 athletes have competed in events in the Roanoke Valley. He stated that approximately 9,000 athletes, over a three day period, provided an economic impact of over \$1.8 million, with approximately \$9 million in indirect spending based on a figure of \$112.00 per day per person for sporting events in the Roanoke Valley as provided by the Roanoke Valley Convention and Visitors Bureau. He added that there was an \$8.3 million overall economic impact on the Roanoke Valley as a result of the 2001 Commonwealth Games of Virginia.

He expressed appreciation to the City of Roanoke for its assistance and presented the Mayor with a plaque containing the following inscription:

**City of Roanoke, 2001 Presenting Sponsor,  
Commonwealth Games of Virginia**

**(See summary of activities on file in the City Clerk's Office.)**

**READ MOUNTAIN PRESERVATION-ENVIRONMENTAL POLICY-GREENWAY SYSTEM-WESTERN VIRGINIA LAND TRUST:** William N. Gordge, Member, Citizens Alliance for the Preservation of Read Mountain, requested a resolution of support from the City of Roanoke for preservation of Read Mountain. He advised that Read Mountain is one of the few remaining pristine undeveloped mountains in the Roanoke Valley; land on the north is privately owned and subject to development similar to that which has happened to many of the other mountains in the Roanoke Valley; and owners of most of the upper slopes have expressed a willingness to sell their land, or they have an interest in preserving the steep slopes and ridges of the mountain. He explained that the Read Mountain Alliance has launched a grass roots effort to preserve the mountain in its present undeveloped state; however, this effort will require substantial citizen and agency involvement; and called attention to support and assistance which has already been received from Roanoke County, Botetourt County, the City of Roanoke, the Roanoke Valley Greenways Commission and the Western Virginia Land Trust that will provide technical assistance in obtaining grants from public and private sources. He noted that the Citizens Alliance will seek sponsors from corporations, companies and individuals in a major fund raising and in-kind service campaign to provide for purchase of land and conservation easements in order to turn the mountain into a park area.

**He explained that it is in the best interest of the City of Roanoke to preserve Read Mountain for the following reasons:**

- (1) To help preserve the impressive natural beauty of the City's northern viewshed and also to help protect the view to the east for travelers entering the Roanoke Valley from the north.**
- (2) An intact upland forest is vital to the City's subdivisions and other properties in the shadow of the mountain for protection from storm water run off and flooding.**
- (3) Almost the entire City lies within five miles of the proposed preserve, offering citizens with easy access to future recreational benefits.**
- (4) The City's proposed Tinker Creek Greenway will pass nearby; studies show a side trail to Read Mountain is feasible, greatly enriching the**



**greenway's recreational potential.**

**(5) Read Mountain's proximity to the City's new industrial park will be good for business and preserve the natural beauty of the area, while offering recreational opportunities close by to employees.**

**Mr. Gordge invited the Members of Council to a celebrity outing on Read Mountain on Saturday, October 22, 2001.**

**Barbara Lemon, President, Western Virginia Land Trust, read a resolution adopted by the Board of Trustees on August 1, 2001, advising that the Western Virginia Land Trust has a vital interest in preserving the higher elevations of Read Mountain, and offers to work in concert with property owners, citizens and the Read Mountain Alliance to achieve these goals, and agrees to assist the Read Mountain Alliance by providing technical and administrative support as necessary and appropriate.**

**(For full text, see resolution on file in the City Clerk's Office.)**

**Following discussion of the matter, the City Manager was requested to informally contact property owners in the Read Mountain area, as well as Administrators in Roanoke County and Botetourt County for input and review of the request; and the City Attorney was requested to prepare the proper measure of support for preservation of Read Mountain for consideration by Council at its regular meeting on Tuesday, September 4, 2001.**

#### **PETITIONS AND COMMUNICATIONS:**

**BUDGET-COMMONWEALTH'S ATTORNEY: Donald S. Caldwell, Commonwealth's Attorney, presented information on the Cost Collection Unit which is authorized pursuant to the Code of Virginia. He advised that there are three types of programs that Commonwealth Attorneys across the Commonwealth of Virginia may utilize to collect past due costs; i.e.: turn the costs over to the tax department, hire a private collector, or establish an in house program whereby the locality agrees to fund any loss that a program might incur; and in return, if the program is successful, funds are divided between the locality and the State. He summarized a report advising that during fiscal year 2000-01, approximately \$500,000.00 was collected in delinquent fines and costs that were due to the court system in Roanoke City; approximately 82 per cent are fines that were collected under the Code of Virginia and approximately 18 per cent were fines collected under local ordinance; and after expenses were subtracted, the remainder was divided 50- 50 between the State and the locality. He stated that in addition to fines and costs that are collected, the Commonwealth of Virginia paid the City of Roanoke \$57,000.00 for taking the risk to implement the Cost Collection Program. He advised that since its inception; the Cost Collection Program has been successful and has made money for both the Commonwealth of Virginia and the City of Roanoke.**

**(See summary on file in the City Clerk's Office.)**

**Without objection by Council, the Mayor advised that the remarks of**

Mr. Caldwell would be received and filed.

**BUDGET-COMMONWEALTH'S ATTORNEY-DRUGS/SUBSTANCE ABUSE:** A communication from the Honorable Donald S. Caldwell, Commonwealth's Attorney, advising that Federal funding was made available to the State of Virginia to be used for the development of several Multi-Jurisdictional Special Drug Prosecutors statewide to coordinate prosecutorial efforts among independent jurisdictions, to reduce fractional and duplicate prosecutions, to enhance the recovery of criminal assets, to utilize federal, state and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort, was before Council.

It was further advised that the Compensation Board approved funding for the Drug Prosecutor, in the amount of \$91,615.00 on April 29, 2001, and funding will continue through June 30, 2002; local share cost is \$20,730.00, for a total of \$112,345.00; local share funding of \$12,560.00 is budgeted in the General Fund - Transfer to Grant Fund Account No. 001-250-9310-9535, and \$8,170.00 is budgeted in the Contingency Account No. 001-300-9410-2199.

The Commonwealth's Attorney recommended that Council accept funds from the Compensation Board, in the amount of \$91,615.00, with the City of Roanoke providing local share funds in the amount of \$20,730.00; authorize the City Manager to execute the requisite documents to obtain funding from the Compensation Board; and authorize the Director of Finance to establish revenue estimates in the amount of \$112,345.00 in the Grant Fund and appropriate funds to certain expenditure accounts.

(For full text, see communication on file in the City Clerk's Office.)

The City Manager submitted a communication concurring in the recommendation of the Commonwealth's Attorney.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35515-082001) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Fund Appropriations, and providing for an emergency.

**(For full text of Ordinance, see Ordinance Book No. 64.)**

**Mr. Harris moved the adoption of Ordinance No. 35515-082001. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Harris offered the following resolution:**

**(#35516-082001) A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Harris moved the adoption of Resolution No. 35516-082001. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-COMMONWEALTH'S ATTORNEY: A communication from the Honorable Donald S. Caldwell, Commonwealth's Attorney, advising that in an effort to better fund law enforcement efforts to fight crime, particularly drug crime, in 1986, the Federal government adopted a system of asset forfeiture whereby forfeited assets, under certain conditions, could be returned to local law enforcement agencies, police and prosecutors, for use in their fight against crime, was before Council.**

**It was further advised that in August, 1991, a grant fund account for cash assets forfeited to the Office of the Commonwealth's Attorney was established with an appropriation of \$25,000.00; since August, 1991, the Commonwealth's Attorney**

has expended the \$25,000.00 originally appropriated, and periodically receives additional funds from the State's asset sharing program; grant requirements provide that funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; revenues collected through June 30, 2001, for the grant are \$126,676.00, with \$12,476.00 having been collected through June 30, 2001; and funding received in excess of the revenue estimate totals \$62,789.00, and needs to be appropriated by Council.

The Commonwealth's Attorney recommended that Council authorize the Director of Finance to increase the revenue estimate in the amount of \$59,081.00, plus \$3,708.00 interest and appropriate funds to certain accounts as set forth in a proposed budget ordinance.

(For full text, see communication on file in the City Clerk's Office.)

The City Manager submitted a communication concurring in the recommendation of the Commonwealth's Attorney.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:

(#35517-082001) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35517-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-GRANTS-SCHOOLS: A communication from the Roanoke City School Board requesting appropriation of the following funds, was before Council:**

**\$200,546.00 for the Reading Excellence Act grant for Virginia Heights Elementary School. The funds will provide for elementary reading instruction and intervention. A basic skills program which includes staff development and remedial skills instruction will be implemented. This new program is 100 percent reimbursed by Federal funds.**

**\$252,555.00 for the Reading Excellence Act grant for Westside Elementary School. The funds will provide for elementary reading instruction and intervention. A basic skills program which includes staff development and remedial skills instruction will be implemented. This new program is 100 percent reimbursed by Federal funds.**

**A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.**

**(For full text, see communication and report on file in the City Clerk's Office.)**

**Mr. Harris offered the following emergency budget ordinance:**

**(#35518-082001) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 School Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 64.)**

**Mr. Harris moved the adoption of Ordinance No. 35518-082001. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Wyatt abstained from voting inasmuch as she is an educator at Westside Elementary School.)**

**BONDS/BOND ISSUES-SCHOOLS: A communication from the Roanoke City School Board advising that as the result of official School Board action at its meeting on August 14, 2001, the School Board approved resolutions to participate in the 2001 Interest Rate Subsidy Program Bond Sale - VPSA School financing Bonds (1997 Resolution) Series 2001B; the proceeds of the bond issue will be used in lieu of the Literary Fund loans approved by the State for Fairview Elementary School and Fishburn Park Elementary School; and the School Board will pay the debt service on the VPSA Interest Rate Subsidy Bond Issues, was before Council.**

**The School Board requested that Council adopt resolutions indicating that Roanoke City desires to participate in the VPSA bond issue; and if the applications are approved by the VPSA Board, Council will be requested to conduct public hearings and to perform any other procedural matters that may be required for participation in the bond issue.**

**(For full text, see communication on file in the City Clerk's Office.)**

**Mr. Carder offered the following resolution:**

**(#35519-082001) A RESOLUTION authorizing and directing the City Manager to file an application with the Virginia Public School Authority seeking bond financing in an amount not to exceed \$2,750,000.00 to finance certain capital improvements in connection with Fairview Elementary School, previously approved pursuant to Resolution No. 35094-101600 and 35095-101600, adopted by the Council at its October 16, 2000, meeting.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Carder moved the adoption of Resolution No. 35519-082001. The motion was seconded by Mr. Hudson.**

**Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., representing a non-profit consulting ministry, the primary focus being the citizens of the City of Roanoke, expressed general concerns as a business owner in the City of Roanoke. He commended Council Member Hudson on his "bull doggedness" as an individual who is interested in seeing democracy at its finest. He stated that truth and accountability are needed in view of the millions of dollars that have been spent and allocated to numerous City projects during the past year; and the \$31 million bond issue is unprecedented in the City of Roanoke, because that amount of bonds has not previously been authorized without citizen input, and it is an outrage that the bonds can be issued without holding a referendum. He stated that when he requested more specific information on how the \$31 million would be spent, no detail was available to him as a citizen of Roanoke. He advised that he was raising the issue under this specific agenda item because there are so many ongoing projects in Roanoke City that it is difficult for the average taxpayer to keep up with what the City is doing. He stated that there is not enough accountability in City government and there are a number of issues on today's agenda that underscore his position. He requested specific detail on the \$31 million bond issue, with a summary of how the funds will be divided among the various projects listed.**



**Resolution No. 35519-082001 was adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Harris offered the following resolution:**

**(#35520-082001) A RESOLUTION authorizing and directing the City Manager to file an application with the Virginia Public School Authority seeking bond financing in an amount not to exceed \$2,500,000.00 to finance certain capital improvements in connection with Fishburn Park Elementary School, previously approved pursuant to Resolution Nos. 34804-051500 and 34805-051500, adopted by the Council at its May 15, 2000, meeting.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Harris moved the adoption of Resolution No. 35520-082001. The motion was seconded by Mr. Carder and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**NEWSPAPERS: A communication from David A. Bowers, Attorney, advising that he and John H. Kennett, Jr., Attorney, represent Roger Roberts of Diamond Point, Inc., owner of real estate located at 121 West Campbell Avenue in downtown Roanoke, who is aggrieved by the proposed expansion of The Roanoke Times manufacturing plant which is proposed for development behind his luxury apartments/townhouse, was before Council.**

**It was further advised that it has been reported that the City of Roanoke has arranged special economic development funding for the expansion; Mr. Roberts would like to receive more information regarding the arrangements; whereupon, it was requested that the information be provided so that Mr. Bowers might appear before the Council, if necessary, at its next meeting on Tuesday, September 4, 2001.**

**(For full text, see communication on file in the City Clerk's Office.)**

**Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., representing a non-profit consulting ministry, the primary focus being the citizens of the City of Roanoke, advised that citizen concerns are being discarded in favor of business interests, The Roanoke Times has given up objectivity for its own business interests and expansion, and it is likely that certain support and incentives have been requested of the City. With the stated concerns of taxpayers regarding changes to the refuse collection program, the fire station proposal and a number of other recent projects, he advised that his concern relates to the lack of accountability in the City processes to the taxpayer, with a City administration and City boards and commissions that are overloaded with business interests to the detriment of the interest of taxpayers in general. He stated that The Roanoke Times should not allow, nor should it seek favors from City government, especially for a project that potentially compromises the rights of citizens and other businesses. He added that The Roanoke Times objectivity in its reporting of City government and its associated entities such as the school system, or the Parks and Recreation Department and others has been increasingly “watered down” in recent years and very government friendly. He stated that the newspaper clearly has other options in terms of construction sites and should explore those options in the name of credibility and in the name of an effort to regain its objectivity and to minimize a growing perception by citizens that it is “cozy” with City government. He advised that major accountability is needed in City government and its administration.**

**Following discussion, the Mayor advised that without objection by Council, the communication from Mr. Bowers would be referred to the City Attorney for response.**

**The City Attorney pointed out that Mr. Bowers was requesting that the matter be placed on the September 4 Council agenda for discussion; whereupon, it was the consensus of Council that it would be appropriate for the City Attorney to respond to Mr. Bowers communication, in writing, and if Mr. Bowers wishes to appear before Council at a future City Council meeting, he may do so.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**BRIEFINGS: None.**

## **ITEMS RECOMMENDED FOR ACTION:**

**GRANTS-HOUSING/AUTHORITY:** The City Manager submitted a communication advising that historically, the Roanoke Redevelopment and Housing Authority has administered a variety of HOME-funded housing programs for the City; on May 7, 2001, Council authorized the Housing Authority's 2001-2002 HOME activities and funding pursuant to Resolution No. 35319-050701, which approved submission of the City's 2001-2002 Consolidated Plan Annual Update to the U. S. Department of Housing and Urban Development; Council accepted 2001-2002 HOME funds on June 18, 2001, pursuant to Budget Ordinance No. 35404-061801 and Resolution No. 35405-061801, contingent upon receipt of HUD's approval letter; in order for the Housing Authority to provide eligible City homeowners and home buyers with housing activities approved in the Consolidated Plan, authorization by Council to execute an agreement with the Housing Authority is needed; and a total of \$1,063,756.00 is being provided to the Housing Authority, of which \$521,500.00 is to complete projects which were in progress on June 30, 2001.

The City Manager recommended that she be authorized to execute the 2001-2002 HOME Agreement with the Roanoke Redevelopment and Housing Authority.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following resolution:

(#35521-082001) A RESOLUTION authorizing the appropriate City officials to enter into the 2001-2002 HOME Investment Partnerships (HOME) Program Agreement with the Roanoke Redevelopment and Housing Authority, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35521-082001. The motion was seconded by Mr. Carder.

Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., representing a non-profit consulting ministry, the primary focus being the citizens of the City of Roanoke, advised that HOME funds are part of a collection of funds that includes Community Development Block Grant funds. He called attention to the City Manager's proposal to relocate Social Service offices to the former Sears building on Williamson Road, necessitating building renovations; and the City Manager's statement with regard to

moving offices of the Roanoke Redevelopment and Housing Authority into the space to be vacated by Social Services in Municipal South. He expressed concern with regard to housing the Roanoke Redevelopment and Housing Authority offices under the same roof with City offices and the expenditure of funds for renovation costs. In addition, he called attention to expenditures relating to GOB South apartments, the bio-med park on South Jefferson Street, Lincoln 2000, the former Zimmerman property on Salem Avenue, the Art Museum and IMAX Theatre, the parking garage on Henry Street, the Roanoke Higher Education Center, First Street Bridge, Explore Park, the new police building, the Market Street Bridge, the new stadium/amphitheater, and proposed Fire Department improvements, all of which add up to over \$100 million worth of development to be spent, has been spent, or scheduled to be spent by Council and the City administration, all within approximately the past ten years, which represents a considerable sum of money with little accountability to taxpayers. He inquired if each of these projects will receive individual audits as a part of the process so as to provide accountability of taxpayer dollars. He stated that several of the abovereferenced projects are joint projects with the Roanoke Redevelopment Housing Authority, featuring HUD and Section 108 loans, with Community Development Block Grant funds used as security collateral for the notes. He advised that the amount of CDBG funds received by a locality are, in part, based on the amount of deterioration and poverty of the community.

**Resolution No. 35521-082001 was adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-SEWERS AND STORM DRAINS-EROSION/SEDIMENT CONTROL-EQUIPMENT:** The City Manager submitted a communication advising that the City of Roanoke completed construction of the Roanoke River Interceptor Sewer Replacement Project in July 2000; the project replaced the old sewer that was installed in approximately 1950; it was necessary to keep the old sewer in service while the new sewer was being built; once completed, sewer flows were transferred to the new sewer; the proposed contract will provide for inspection of the old sewer by remote television cameras, cleaning of the sewer, and identification and location of unknown active sewer service connections; and information provided by the inspection will allow staff to systematically transfer any unknown service connections to the new sewer and evaluate the feasibility of rehabilitating the old sewer to provide additional future capacity.

It was further advised that the project was properly advertised, with the lowest bid having been submitted by Heitkamp, Inc., and its Division TRB Specialty Rehabilitation, in the amount of \$576,745.00 with 90 days of contract time; it is recommended that funding in the total amount of \$635,000.00 be transferred to a new account; and additional funding in excess of the contract amount will be used for miscellaneous project expenses, including advertising, printing, testing services, minor variations in bid quantities and unforeseen project expenses.

The City Manager recommended that Council accept the bid of Heitkamp, Inc., and its Division TRB Specialty Rehabilitation, in the amount of \$576,745.00, with 90 days of contract time for the proposed work; and transfer \$435,743.00 from Account No. 003-056-8485 and \$199,257.00 from Account No. 003-056-8484, for a total amount of \$635,000.00, to a new account entitled Roanoke Interceptor TV Inspection.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35522-082001) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Sewage Treatment Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35522-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following emergency ordinance:

(#35523-082001) AN ORDINANCE accepting the bid of Heitkamp, Inc., and its Division TRB Specialty Rehabilitation, to provide for the inspection of the old sewer by remote television cameras, cleaning of the sewer, and the identification and location of unknown active sewer service connections to the Roanoke River Interceptor Sewer, upon certain terms and conditions and awarding a contract therefor; authorizing the proper City officials to execute the requisite contract for such work; rejecting all other bids made to the City for the work; and providing for

an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35523-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

**REGIONAL CHAMBER OF COMMERCE-COMMUNITY PLANNING-GRANTS:**  
The City Manager submitted a communication advising that since 1998, the Chamber of Commerce has conducted a "Community Business Development Initiative" program designed to promote business development in the central City; on May 7, 2001, Council authorized the Chamber's 2001-02 CDBG activities and funding, pursuant to Resolution No. 35319-050701, which approved submission of the City's 2001-02 Consolidated Plan Annual Update to the U. S. Department of Housing and Urban Development; Council accepted 2001-02 CDBG funds on June 18, 2001, pursuant to budget Ordinance No. 35406-070201 and Resolution No. 35407-061801, contingent upon receipt of an approval letter from HUD; in order for the Chamber of Commerce to provide business development activities approved in the Consolidated Plan, authorization by Council to execute an agreement with the Chamber of Commerce is needed; and a total of \$125,000.00 in CDBG funds will be provided to the Chamber of Commerce for the period of July 1, 2001 to June 30, 2002.

The City Manager recommended that she be authorized to execute the 2001-02 CDBG Agreement with the Chamber of Commerce.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Carder offered the following resolution:

(#35524-082001) A RESOLUTION authorizing the execution of an agreement with the Roanoke Regional Chamber of Commerce for administration of Community Development Block Grant (CDBG) funds for FY 2001-2002 for services related to the promotion and development in the central area of the City.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Carder moved the adoption of Resolution No. 35524-082001. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-GRANTS-JUVENILE CORRECTIONAL FACILITIES: The City Manager submitted a communication advising that the Department of Criminal Justice Services notified Roanoke City and Roanoke County in March, 2001 of an allocation of funds under the Juvenile Accountability Incentive Block Grant Program (JAIBG); allocation of \$44,795.00 in Federal funds was awarded jointly to the two jurisdictions, with a local match of \$4,978.00.00 required; the allocation formula provides \$32,522.00 Federal, with a \$3,614.00 match for Roanoke City and \$12,273.00 Federal, with a \$1,364.00 match for Roanoke County; staff from both jurisdictions have met and developed program proposals for use of funding; Roanoke County will provide a substance abuse intervention education program through the schools; Roanoke City, in collaboration with the Boys & Girls Clubs, will provide services to students suspended or otherwise absent from school during the day; funding for the City's match of \$3,614.00 is included in Account No. 001-630-5330-2010, State/Local Hospitalization; and Roanoke City will serve as fiscal agent for the funds.**

The City Manager recommended that she, or her designee, be authorized to accept the grant allocation of \$32,522.00 (Roanoke City) and \$12,273.00 (Roanoke County), for a total amount of \$44,795.00; execution of an agreement with the Department of Criminal Justice Services for said funds, and appropriation of \$3,614.00 from Account No. 001-630-5330-2010, State/Local Hospitalization, to an account for JAIBG allocation to be established by the Director of Finance; and authorize the Director of Finance to establish appropriation amounts and revenue estimates for said grant.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Harris offered the following emergency budget ordinance:

(#35525-082001) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 General and Grant Funds Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Harris moved the adoption of Ordinance No. 35525-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Harris offered the following resolution:

(#35526-082001) A RESOLUTION authorizing the acceptance of funding from the Department of Criminal Justice Services under its Juvenile Accountability Block Grant Incentive Program, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Harris moved the adoption of Resolution No. 35526-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.



**NAYS: None-----0.**

**PARKS AND RECREATION-FEE COMPENDIUM:** The City Manager submitted a communication advising that Parks and Recreation staff have reviewed current fees charged for park shelters, recreation centers, athletic fields, etc., and made recommendations for certain changes; many of the fees have not been changed since 1990, however, proposed fee increases have been kept to a minimum to cause the least possible impact on citizens; in most cases, increases are less than the rate of inflation; basic services remain free to Roanoke's citizens; fee changes involve the cost of providing services or facilities as requested by a citizen over and above basic citizen use; and offering such services involves provision of additional resources such as staff, more hours of heating or cooling facilities, and/or special preparatory cleanings and maintenance.

It was further advised that the proposed increases are compatible to similar facilities in surrounding jurisdictions and reflect the rising costs of providing services, especially in such areas as utilities, custodial and staffing costs; in some cases, refundable damage deposits have been recommended, which are requested in situations where experience has taught the Department that they are necessary; additional funding derived from fee increases will be used to improve services at Parks and Recreation facilities; as a result of Council's work session on August 6, changes have been made to recommended fees and Parks and Recreation staff has met with the Superintendent of Schools to discuss fees and special consideration has been given to Roanoke City Public Schools, as well as Neighborhood Partnership organizations, in developing the recommended fee structure.

The City Manager recommended that Council adopt certain fee changes, effective September 1, 2001, thereby providing staff of the Parks and Recreation Department with sufficient time to notify customers of fee changes.

(For full text, see communication on file in the City Clerk's Office.)

**Mr. Carder offered the following resolution:**

**(#35527-082001) A RESOLUTION amending the City's Fee Compendium to provide for revised fees for use of City park facilities and services in order to update current fees and promote uniformity with fees charged by the City and surrounding localities; and providing an effective date.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Carder moved the adoption of Resolution No. 35527-082001. The motion was seconded by Mr. Harris.**

**Prior to hearing from Mr. Martin Jeffrey who had signed up to address the item, Mr. Bestpitch raised a point of order. He advised that it was his understanding that the reason Council provides an opportunity for citizens to speak on matters before Council is to receive citizen input on whether Council should vote for or against the motion that is currently on the table. He requested that Mr. Jeffrey's comments be germane to the motion on the floor and provide Council with an indication of his sense of whether Council should vote for or against the motion, and if there are other general comments or concerns that citizens would like to address, they are given that opportunity under the Other Hearings of Citizens section of the Council agenda.**

**Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W. advised that he made specific reference to the issue on each previous agenda item to which he spoke, and if the procedure for addressing Council as a body has changed, it should be placed in writing as a policy of Council and not as an individual Council Member lashing out at a taxpayer.**

**He stated that Council should vote against the item because, in effect, it taxes citizens two times for a service and the proposed increases are unreasonable and provide for more than a 200 per cent increase on some fees. He added that the citizens of Roanoke pay taxes for the maintenance of City parks, and if the Parks and Recreation Department needs more funds to operate, the City should look to the undesignated fund balance to provide more money for Parks and Recreation operations. He stated that more accountability is needed in City government and its processes.**

**Mr. Hudson expressed concern that because of increased fees, City residents might be forced to use the park facilities of surrounding localities. He inquired as to comparative figures of surrounding jurisdictions for use of parks and recreation facilities.**

**The following vote was recorded on the resolution:**

**AYES: Council Members Bestpitch, Carder, Harris, White and Mayor Smith----5.**

**NAYS: Council Member Hudson-----1.**

**(Council Member Wyatt abstained from voting because she had not received responses to her questions which were raised at the August 6, 2001, Council meeting.)**

**During the roll call on the resolution, Mr. Hudson originally voted yes; however, before the roll call was completed, he requested, and the Council concurred in his request to change his yes vote to a no vote; whereupon, the suggestion was made that the matter should be tabled until all questions of Council have been addressed by the City Manager.**

**Having voted with the majority for adoption of the abovereferenced resolution, Mr. Harris moved for a reconsideration of the matter. The motion was seconded by Mr. Carder and unanimously adopted.**

**There was discussion with regard to whether comparable fees are charged by surrounding Roanoke Valley localities, in which the City Manager explained that the proposed fees are for exclusive use of facilities by individuals and groups; and an attachment to the report provides special exceptions for neighborhood groups, civic organizations and teacher sponsored events. She stated that no communication was sent to Council setting forth a comparison of charges by other jurisdictions in the Roanoke Valley; however, if that is the request of Council, she would provide the information, and it is believed that the City's rates are comparable to other Roanoke Valley jurisdictions.**

**Following discussion of the matter, it was the consensus of Council that the City Manager would provide a detailed analysis of charges administered by other Roanoke Valley jurisdictions for use of park facilities.**

**Mr. Bestpitch offered the following resolution:**

**(#35527-082001) A RESOLUTION amending the City's Fee Compendium to provide for revised fees for use of City park facilities and services in order to update current fees and promote uniformity with fees charged by the City and surrounding localities; and providing an effective date.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Bestpitch moved the adoption of Resolution No. 35527-082001. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White and**

Mayor Smith-----7.

NAYS: None-----0.

**PARKS AND RECREATION-EQUIPMENT:** The City Manager submitted a communication advising that the Capital Maintenance and Equipment Replacement Program (CMERP) for the prior year identified the need to replace one hydraulic crane for Parks and Recreation and a cab and chassis; the lowest bid meeting specifications for the cab and chassis was submitted by Magic City Motor Corporation, in the amount of \$43,888.00; the lowest bid for the hydraulic crane was submitted by Power Line Rent Equipment, Inc., however, the bidder took exceptions to the required boom length, jib, basket capacity and outrigger specifications; these exceptions are considered to be substantial and cannot be waived as informalities, thus the bid of Power Line Rent Equipment, Inc., is non-responsive; the lowest bid meeting specifications for the hydraulic crane was submitted by J. W. Burress, Inc., in the amount of \$69,988.00; and funding is available from the SunTrust Lease of Vehicles, Account No. 017-440-9851-9015.

The City Manager recommended that Council accept the bid of Magic City Motor Corporation for one cab/chassis, in the amount of \$43,888.00 and the bid of J. W. Burress, Inc., for a hydraulic crane, in the amount of \$69,988.00; and reject all other bids received by the City.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following resolution:

(#35528-082001) A RESOLUTION accepting two bids for the purchase of one (1) hydraulic crane and one (1) cab/chassis upon certain terms and conditions, finding that the low bidder with regard to the hydraulic crane did not provide a responsive bid, and rejecting all other bids made for such equipment.

(For full text of Resolution, see Resolution Book No. 64.)

Mr. Hudson moved the adoption of Resolution No. 35528-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-FDETC: The City Manager submitted a communication advising that the Fifth District Employment and Training Consortium (FDETC) administers the Federally funded Workforce Investment Act (WIA) for the region, which encompasses the Counties of Alleghany, Botetourt, Craig, Franklin and Roanoke, as well as the Cities of Covington, Roanoke and Salem; and Workforce Investment Act funding is for two primary client populations:**

**Dislocated workers who have been laid off from employment through no fault of their own, and**

**Economically disadvantaged individuals as determined by household income guidelines set by the U. S. Department of Labor.**

**It was further advised that the City of Roanoke serves as grant recipient and fiscal agent for FDETC funding, therefore, Council must appropriate funds for all grants and other monies received by the FDETC.**

**It was explained that the State office of the Virginia Employment Commission (VEC) has sent the Consortium notice of an award in the amount of \$10,000.00 to purchase stationery, business cards, publications and signs, which contain the official Virginia Workforce Logo; CDBG funds were awarded to the FDETC for project management and administration of the Employment Training Program, in the amount of \$43,000.00; and jurisdictions in the Fifth Planning District, which include the Cities of Salem, Covington, and Roanoke, and the Counties of Roanoke, Alleghany, Botetourt, Craig and Franklin contribute funds to offset the agency's administrative costs; and Botetourt County has sent a contribution of \$1,770.00 for the fiscal year 2001.**

**The City Manager recommended that Council appropriate the Consortium's funding totaling \$54,770.00 and increase the revenue estimate by \$54,770.00 in accounts to be established in the Consortium Fund by the Director of Finance.**

**(For full text, see communication on file in the City Clerk's Office.)**

**Mr. Carder offered the following emergency budget ordinance:**

**(#35529-082001) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Consortium Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 64.)**

**Mr. Carder moved the adoption of Ordinance No. 35529-082001. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**BUDGET-GRANTS-LIBRARIES-EQUIPMENT: The City Manager submitted a communication advising that the Raleigh Court and Williamson Road Branch Libraries have each been awarded a grant of \$11,400.00 by the Library of Virginia to purchase four computers for each branch; and these branches were not eligible for the grant from the Bill & Melinda Gates Foundation which was received by other branch libraries.**

**The City Manager recommended that Council accept the Library of Virginia Grant and that she be authorized to execute grant documents upon form as approved by the City Attorney; establish revenue estimates of \$22,800.00 in accounts to be established by the Director of Finance in the Grant Fund; and appropriate funds totaling the same in accounts to be established by the Director of Finance.**

**(For full text, see communication on file in the City Clerk's Office.)**

**Mr. Carder offered the following emergency budget ordinance:**

**(#35530-082001) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.**

**(For full text of Ordinance, see Ordinance Book No. 64.)**

**Mr. Carder moved the adoption of Ordinance No. 35530-082001. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**Mr. Carder offered the following resolution:**

**(#35531-082001) A RESOLUTION accepting a Library of Virginia Grant to the Raleigh Court and Williamson Road branches of the Roanoke City Public Library for the purchase of four computers for each branch, upon certain terms and conditions.**

**(For full text of Resolution, see Resolution Book No. 64.)**

**Mr. Carder moved the adoption of Resolution No. 35531-082001. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**Council Member Wyatt requested a report on the number of computers in the main library and each branch library.**

**POLICE DEPARTMENT-BUDGET-GRANTS: The City Manager submitted a communication advising that for fiscal year 2001, Congress appropriated funds for continuation of the Local Law Enforcement Block Grant (LLEBG) Program, to be administered by the Bureau of Justice Assistance and the U. S. Department of Justice; the purpose of the grant program is to provide funds to units of local government to underwrite projects to reduce crime and to improve public safety; the City of Roanoke has been awarded an amount of \$140,859.00, and grant conditions require a local match of \$15,651.00, for a program totaling \$156,510.00, for the period October 1, 2001 through September 30, 2003; and if accepted, the grant award will renew Roanoke's Local Law Enforcement Grant Program for the sixth consecutive year.**

**It was further advised that grant funds will be used for payment of overtime to presently employed law enforcement officers for the purpose of increasing the number of hours worked by such personnel, procuring equipment, training and other materials directly related to basic law enforcement functions, and Police bicycle patrol directed at specific/problem areas or neighborhoods will be expanded through implementation of the program.**

**It was explained that the grant program requires that all grant funds (\$156,510.00) be placed in an interest bearing account; based on interest earned during each of the past five years of funding, interest earnings of \$5,000.00 are**



projected; and local cash match of \$15,651.00 is available in the Police Department's State Asset Forfeiture account, Account No. 035 050 3302 2149.

The City Manager recommended that she be authorized to accept the grant and execute any required documentation; and that Council appropriate \$161,510.00 to certain grant fund accounts to be established by the Director of Finance in the following amounts:

Police Overtime	\$134,840.00
FICA	11,170.00
Expendable Equipment	15,000.00
Training and Development	<u>500.00</u>
Total	\$161,510.00

It was further recommended that revenue estimates be increased in accounts to be established by the Director of Finance; and authorize unexpended grant funds to draw interest in accordance with grant requirements.

(For full text, see communication on file in the City Clerk's Office.)

Mr. Hudson offered the following emergency budget ordinance:  
(#35532-082001) AN ORDINANCE to amend and reordain certain sections of the 2001-2002 Grant Fund Appropriations, and providing for an emergency.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35532-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Carder offered the following resolution:

(#35533-082001) A RESOLUTION authorizing the acceptance of a certain Local Law Enforcement Block Grant from the United States Department of Justice, and authorizing execution of any required documentation on behalf of the City.

(For full text of Resolution, see Resolution Book No. 64.)

**Mr. Carder moved the adoption of Resolution No. 35533-082001. The motion was seconded by Mr. Hudson and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, White, and Mayor Smith-----7.**

**NAYS: None-----0.**

**FIRE DEPARTMENT-LEASES:** The City Manager submitted a communication advising that the Cities of Salem and Roanoke currently have fire “mutual aid” agreements with each other; additionally, both jurisdictions are part of a statewide mutual aid agreement, which have specific provisions that require the jurisdiction needing assistance to make a formal request to the providing agency; the proposed agreement takes mutual aid one step further to “automatic aid”, which is defined as the appropriate response to an incident, initiated through the 9-1-1 system of the jurisdiction in which the incident is occurring, without being specifically requested; response zones are pre-determined and fire resource committed based on terms of the agreement, usually response time or distance; and as required by law, each party will be required to indemnify the other party from all claims by third persons for property damage, personal injury, or death which may arise out of activities of the assisting party.

It was further advised that concurrent with the approval of the automatic aid agreement with the City of Salem, authorization for termination of the lease for Fire Station No. 12, located at 4810 Salem Turnpike, N. W., is requested; the lease agreement requires 90 days written notification prior to termination; the primary area currently served by Fire-EMS Station No. 12 will receive fire and rescue services from Fire-EMS Station No. 13, located at 4330 Appleton Avenue, N. W., and Station No. 4, 3763 Peters Creek Road, in addition to fire response from the City of Salem; and the level of emergency response from these locations will provide fire and emergency medical services which are comparable to other sections of the City that have similar service needs and will meet the requirements of the annexation agreement.

The City Manager recommended that she be authorized to execute the Memorandum of Agreement for Mutual Automatic Aid for Fire Protection Services with the City of Salem, such agreement to be approved as to form by the City Attorney and provide notice of termination of the lease of Fire Station No. 12.

The City Manager called attention to a revised measure that was placed before Council prior to the meeting which provides for further clarification of the termination

clause and a provision that during the implementation period, Council will receive monthly status reports detailing the progress made by the transition team.

Mr. White offered the following revised ordinance, with deletion of the emergency clause, for its first reading:

**(#35534-082001) AN ORDINANCE authorizing an agreement with the City of Salem, Virginia, to provide mutual automatic aid for fire protection services within designated areas; and authorizing notice of termination of the lease for the fire station located at 4810 Salem Turnpike, N. W.; and providing for an emergency.**

**(For full text of Resolution, see Resolution Book No. 64.)**

The motion was seconded by Mr. Carder.

Mr. Martin Jeffrey, 3912 Hyde Park Drive, S. W., advised that the issue relates to accountability, and requested that Council delay action on a vote to terminate the lease of Fire Station No. 12, because the perception of security is what taxpayers' comfort and insurance rates are predicated upon. He pointed out that the Fire Chief stated in a meeting on July 30 that the Fire Department's response time projections under the proposed new plan did not take into account the City's topography; whereupon, Mr. Jeffrey stressed the importance of the comprehensive analysis factoring in response times due to topography issues. He stated that this is especially troubling because one of the Fire Department's primary reasons for the proposed change in its business plan dealt with the addition of larger fire fighting apparatus that climb hills slowly; Roanoke has many steep hills in its residential areas and the Autumn Lane area is no exception, with more steep hills per square block than most City neighborhoods of its size. He added that the City says it is committed to its neighborhoods, to citizen participation, to quality of life, to listening and valuing taxpayer concerns and to placing those concerns over and above rushing to spend tax dollars at whatever cost. He advised that the request before Council is a glaring example of acute lack of accountability by the City administration to the taxpayers of Roanoke. He stated that his remarks were made in the context of helping his fellow taxpayers and to encourage citizens to ask more questions, attend Council meetings and to look at who is benefitting from project dollars.

**Mr. Hudson advised that he is a strong advocate of valley cooperation; however, he could not vote for something that will jeopardize the safety of Roanoke's citizens. He expressed concern that the provisions of the 1976 annexation decree will not be honored if Fire Station No. 12 is closed.**

**Ms. Wyatt advised that certain commitments were made to the citizens of the Peters Creek Road area in the 1976 annexation decree, and she could not be a party to any action that does not honor those commitments. She advised that it was not her goal to "nit pic" the procedure, but as a result of past experience, it is important that a plan be fully organized before it is implemented. She stated that a regional fire/ems system is needed, but Council has a responsibility to ensure that it is the right step by honoring commitments that were previously made to citizens.**

**Mr. Carder advised that no safety issues are involved; at some time in the future, it will be necessary to move toward a regional fire/ems operation and if Council "nit pics" every idea, regional service will be difficult to achieve. He stated that the proposal calls for a six month study, therefore, the matter can be revisited if necessary; the proposal represents Valley cooperation; response times are more than adequate; it is recognized that there are areas on the south side of the City that are in need of better fire/rescue protection and the agreement will benefit the citizens of Roanoke. He advised that the City of Roanoke cannot continue to be an "island" in terms of fire/ems coverage, and there is a strong need to regionalize service.**

**Mr. Bestpitch pointed out that the revised ordinance provides an opportunity to send a message that since the emergency clause has been deleted, the ordinance will be voted on by Council on its second reading on Tuesday, September 4, to be effective ten days thereafter, with the termination notice for Fire Station No. 12 to go out on October 1. He stated that passing the measure on its first reading today sends a message to the transition team that it should take its responsibilities very seriously, address concerns and resolve issues to provide for the kind of progress that will lead to an integral piece of a larger effort to move toward a regionalized fire/ems system that will provide better protection to the citizens of the Roanoke Valley as a whole in a much more efficient manner than continuing to maintain two separate systems.**

**Mr. Harris advised that serving on Council is a matter of honoring public trust, and when the area was annexed to the City, certain promises were made and expectations were put forth about various services that would be rendered, many of**

which have not developed 25 years after the annexation decree. He stated that he would like for the arrangement with the City of Salem to be successful and spoke in favor of a regionalized approach to public safety services; however, he expressed concern over an unspoken caveat which is: if the proposal does not work for whatever the reason, once the lease on Fire Station No. 12 is terminated, there will be no guarantee that Station 12 will reopen, because the lease is no longer in perpetuity. For that reason, he advised that he would vote against the ordinance; however, he is hopeful that the arrangement with the City of Salem will be successful.

The Mayor advised that it is a question of treating all citizens as equally as possible. He stated that it has been explained that it may take 10 - 15 seconds longer to address some areas of the City in the range of Fire Station No. 12, but the proposal will enhance response times by reducing those times by three to four minutes or more in certain other areas of the City which is a net gain, therefore, the immediate neighborhood in general will have better response times than the majority of the City. He advised that Fire Station No. 12 was developed many years ago, fire equipment and apparatus have been upgraded and there are new and better roadways in Roanoke's neighborhoods, all of which contribute to faster response times.

The City Manager pointed out that there will be the deployment of an additional ambulance in the Peters Creek Road area which is an area of the City that has a high demand for ambulance service.

Ordinance No. 35534 on its first reading, was adopted by the following vote:

AYES: Council Members Bestpitch, Carder, White and Mayor Smith-----4.

NAYS: Council Members Wyatt, Harris and Hudson-----3.

DIRECTOR OF FINANCE:

DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted a written report transmitting unaudited financial statements for the fiscal year ended June 30, 2001, which are provided for planning purposes.

He advised that the amounts reported may change during the course of the City's annual external audit; and a discussion of the City's General Fund operations for fiscal year 2001 is as follows: revenue estimate from all sources was \$183,974,493.00, while actual collections totaled \$186,641,942.00; total General Fund revenues collected increased 2.92 percent and exceeded the estimate by 1.45 percent; the most anxiously awaited information at year end is the amount of designated funding for the Capital Maintenance and Equipment Replacement Program (CMERP); Council adopted Ordinance No. 26292 on December 6, 1982, establishing a reserve of General Fund balance for CMERP; computed per the requirements of Ordinance 26292, CMERP for fiscal year 2001 for the Schools is \$814,204.00 and \$5,454,530.00 for the City, for a total of \$6,268,734.00, or 3.25 percent of General Fund appropriations; and the following allocation has been calculated based on the Revenue Allocation Model used for the adopted budget:

City Operations	\$ 5,454,530.00
School Operations	<u>814,204.00</u>
Total General Fund CMERP	<u>\$ 6,268,734.00</u>

The Director of Finance reiterated that the General, School and School Food Services Fund amounts discussed in the report are unaudited and subject to change during the course of the City's external audit; and a comprehensive financial report of all funds of the City will be included with the annual financial report.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson moved that a portion of the undesignated fund balance be used to enhance teacher salaries.

The motion failed for lack of a second.

The Mayor requested information on the fiscal year 2000 comparative figure for the "Transfer to Debt Service Fund".

Without objection by Council, the Mayor advised that the report would be received and filed.

REPORTS OF COMMITTEES: None.

UNFINISHED BUSINESS: None.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: None.

## **MOTIONS AND MISCELLANEOUS BUSINESS:**

### **INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:**

**BUDGET-ACTS OF ACKNOWLEDGEMENT:** Vice-Mayor Carder commended the City administration/City staff on measures which were taken that resulted in the City's unaudited year end fund balance as previously reported by the Director of Finance.

**COUNCIL-BONDS/BOND ISSUES-REFUSE COLLECTION:** Council Member Hudson expressed appreciation to those citizens of Roanoke who have supported him in his position regarding curbside refuse collection and a bond referendum on the \$31 million bond issue.

**OTHER HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred, without objection by Council, for response, report and recommendation to Council.

**COMPLAINTS-REFUSE COLLECTION:** Ms. Harriet W. Stanley, 1424 West Drive, S. W., presented a prepared statement and requested that her status on the physically challenged list for solid waste collection be immediately and permanently restored.

(See communication on file in the City Clerk's Office.)

Mr. Bestpitch advised that Ms. Stanley's communication states, in part, as follows: "Mr. Bestpitch stated that he would not help me as trash collection was not as big a priority to him as recycling". He stated that this is a misrepresentation of his conversation with Ms. Stanley, when, in fact, he advised Ms. Stanley that he could not answer her question at that time, but he would talk with the City Manager and a response would be provided as soon as possible. He advised that after personally viewing Ms. Stanley's driveway, and based on her description regarding the physical impossibility of moving her blue refuse container from the end of her driveway to the street, he expected to see some configuration of a driveway that was unusual; however, it was a typical driveway of about the same width of any driveway in the City and did not appear to be difficult in any way to maneuver. He stated that because of the topography and the design of Ms. Stanley's property, he would support an exception in her specific situation to the requirement of taking the can to the rear of the house, but that would be the only reasonable exception to consider at the time.

**COMPLAINTS-COUNCIL-CITY GOVERNMENT:** Ms. Helen E. Davis, 35 Patton Avenue, N. E., expressed concern that there needs to be better communication

between Council and the citizens of Roanoke. She advised that Roanoke is not a participatory government because citizens are not allowed to engage in dialogue with Council Members, citizens are given only five minutes at Council meetings to make remarks, and they are not permitted to address Council in work sessions.

At 5:35 p.m., the Mayor declared the Council meeting in recess to be reconvened at 5:45 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, for a joint meeting of City Council and the School Board.

A joint session of Roanoke City Council and the Roanoke City School Board was called to order at 5:45 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building , 215 Church Avenue, S. W., with Mayor Ralph K. Smith and Chairman Sherman P. Lea presiding.

**COUNCIL MEMBERS PRESENT:** Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., William White, Sr., and Mayor Ralph K. Smith-----7.

**SCHOOL TRUSTEES PRESENT:** Charles W. Day, Marsha W. Ellison, Gloria P. Manns, Melinda J. Payne, Ruth C. Willson, Brian J. Wishneff and Chairman Sherman P. Lea-----7.

**STAFF PRESENT:** Representing Roanoke City: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; Mary F. Parker, City Clerk; Robert H. Bird, Municipal Auditor. Representing Roanoke City Schools: Dr. E. Wayne Harris, Superintendent; Richard L. Kelley, Assistant Superintendent for Operations; Elizabeth K. Dillon, Assistant City Attorney; and Cindy H. Lee, Clerk to the Board.

Following dinner, the business portion of the meeting convened at 6:15 p.m.

It was the consensus of Council Members and School Trustees that the order of the agenda would be changed to address an item regarding audit expectations first.

Chairman Lea advised that four years ago, the School Board voluntarily entered into an agreement with the Municipal Auditor's Office to expand the audit process beyond auditing just the School Activity Fund, and the audit now involves auditing school departments and offices by examining records, procedures and practices. He stated that the School Board and the Superintendent of Schools have



supported the audit expansion process because audits identify practices that need to be changed and improvements that need to be made to enhance operation efficiencies, and after four years, it is still the belief of the School Board that audits serve a useful purpose. He added that since the beginning of the expanded audit process, five audits have been completed and a copy of the most recent audit of the Human Resources Department and the administrator's response has been provided to Council. He noted that three audits of the Human Resources Department have occurred during the past four years; the 1999 audit involved more time because of the many functions, range, responsibilities and complexities of the department; in 1999 and 2000, Human Resources audits contained a number of recommendations, most of which have been acted upon and those audits contained no findings or recommendations which focused on hiring practices related to criminal records. He added that both audits focused on issues surrounding records documentation and management; and during the two audits, auditors complimented the Human Resources Department on its cooperation and willingness to address recommendations. He advised that the most recent Human Resources audit included 11 recommendations, the administrator's response includes acceptance and positive action on 8 of the 11 recommendations; and the School Board has agreed to consider Recommendation No. 6 pertaining to development of standards following a departmental review by Human Resources experts of the Human Resources Department during the month of October 2001. He advised that when the audit process was expanded four years ago, the Superintendent of Schools and the Municipal Auditor verbally agreed to the process that would be used and a meeting has now been scheduled by the Superintendent of Schools and the Municipal Auditor to discuss how the audit process could proceed in the future, and during this meeting, a written agreement will be developed that will enhance the process by defining the scope and sequence of future audits.

Council Member White, Chair, City of Roanoke Audit Committee, spoke in support of formalizing the audit process, and called upon the City Attorney for a briefing in regard to legal issues.

The City Attorney advised that the City Charter provides that Council, in its discretion may, by ordinance, provide for an audit of both the affairs and records of the School Board by either the Municipal Auditor, or by any other competent person or firm selected by Council. He called attention to an opinion from the Attorney General of Virginia, copy of which was previously provided to Council, with regard to authority by the governing body to audit affairs of the school system. He stated that the Attorney General opined that local governing bodies may conduct administrative audits with the cooperation of the School system's administrator; supervision of the school system by the Virginia constitution is vested in the School

Board, be it elected or appointed, and any audit performed by a governing body could be done with the cooperation of the School Board so long as it did not interfere with the day to day operations of the school system and as long as it did not interfere with control by the School Board of the administration of the school system itself. He advised that if Council is considering using the City Charter provision for audit purposes, terms and expectations of the audit should be agreed to in writing. He called attention to a 1970 resolution adopted by the School Board requesting that Council create, by ordinance, general authority for audits to be performed by either the City Auditor, or by an outside auditor at the request of the School Board.

Council Member Wyatt suggested the appointment of a subcommittee composed of representatives of the School Board, City Council, the School Administration and the City Administration to discuss audit details to be presented to City Council and to the School Board for review. She spoke to the advantage of a more formal audit process and advised that since both the City and the Schools have an Audit Committee, representation of the subcommittee could be appointed from the membership of both committees.

Following questions and concerns, Dr. Harris advised that this particular audit process deviated from the previous four audits in that pursuant to an agreement with the Municipal Auditor, when the audit process was completed, a meeting was to be held with the Municipal Auditor, a representative of the department being audited and a member of the audit staff to discuss findings. He stated that in this particular audit, when the audit was in early draft form, information was given to the news media in advance of any opportunity for the School administration to address the 11 recommendations. He further stated that three news articles were published in the newspaper far in advance of the Audit Committee or the School Board receiving the audit report or a response from the School administration. He advised that all audits have been made public, all responses from the School administration have been made public, and there has never been any attempt to hide any of the findings.

Mr. Bird advised that this audit was, in fact, handled differently from the other four audits. He explained that it is a normal course of practice in the audit profession that when one level is indicated in a compliance issue where it is felt that the party is not complying with policy, the procedure is to go to another level of management. He stated that when auditors looked at the issue of the Superintendent of Schools not complying with certain policy in terms of hiring practices, the Chair of the School Board and the Chair of the Audit Committee were approached and from that point forward his office dealt with those two individuals and with the School Board in communications, as opposed to communicating with the Superintendent of Schools.

Following questions and discussion of audit issues, the Mayor suggested that he, along with Council Members William White and Nelson Harris, Chair and

Vice-Chair, respectively, of the City's Audit Committee, be authorized to meet with School Board Chair Sherman Lea, to begin discussions in an effort to reach an understanding that will be agreeable to both Council and the School Board.

Mr. Carder requested that the remainder of the agenda items; i.e.: Roanoke City Project on Bullying, Fees for Use of Roanoke City/Roanoke City Public Schools Facilities, and Future Funding Needs in Roanoke City Schools/Budget Protocol, be rescheduled for discussion at another joint meeting of Council and the School Board as soon as possible.

There being no further business, the Mayor declared the City Council meeting in recess at 7:10 p.m., to be reconvened at 7:20 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

On Monday, August 20, 2001, at 7:20 p.m., the Roanoke City Council reconvened in regular session in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with the following Council Members in attendance, Mayor Smith presiding.

**PRESENT:** Council Members Linda F. Wyatt, William D. Bestpitch, William H. Carder, C. Nelson Harris, W. Alvin Hudson, Jr., and Mayor Ralph K. Smith-----6.

**ABSENT:** Council Member William White, Sr.-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; James D. Grisso, Director of Finance; and Mary F. Parker, City Clerk.

The reconvened meeting was opened with a prayer by Council Member C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### **PUBLIC HEARINGS:**

**COMMUNITY PLANNING-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN:** Pursuant to action of the Council, the City Clerk and the Secretary to the City Planning Commission, having advertised a joint public hearing by Council and the City Planning Commission for Monday, August 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to consider the Vision 2001 Comprehensive Plan, City of Roanoke, dated August 3, 2001, the matter was before the body.

**City Planning Commission Members present: Gilbert E. Butler, Jr., Alfred T. Dowe, Jr., Melvin L. Hill, Richard A. Rife and D. Kent Chrisman, Chair.**

**Martha P. Franklin, Secretary, was also present.**

**Legal advertisement of the joint public hearing was published in The Roanoke Times on Saturday, August 4, and Saturday, August 11, 2001.**

**(See publisher's affidavit on file in the City Clerk's Office.)**

**Ms. Lander advised that the final Comprehensive Plan before Council and the City Planning Commission has a new date of August 20, 2001, and includes certain minor changes since the draft that was presented to Council and dated August 3, which changes would be summarized in her presentation.**

**She advised that the Comprehensive Plan is required by the Commonwealth of Virginia, and serves as a guide for development decisions, includes many comprehensive elements, provides balance among elements, is broad and forward thinking and sets realistic goals and actions. She stated that challenges facing Roanoke are a decreasing population, changing demographics, aging housing stock, little new housing development, stagnant economy and limited new land for development. She explained that the planning process for development of the Comprehensive Plan began approximately one year ago; a survey was distributed to every City household and the results were shared at one of the first public hearings to kick off the Plan; a 44 member Citizens Advisory Committee was appointed by Council to guide the development of the Plan and the public participation process; two public forums were held and another is planned for the future to kick off the Plan because citizens will be needed to help implement the Plan and to work as partners with government to achieve goals and action strategies; six task teams were established to discuss issues facing the City, with a seventh team on City design having been formed later in the process to work with the recommendations of the six task teams on the design of new development; and approximately 50 public work sessions were held from October, 2000 to May 2001, with over 2000 estimated participants.**

**Ms. Lander advised that the Plan's key themes include: Roanoke is the heart of the region, Roanoke must be a sustainable and livable community, Roanoke's quality of life and economic development are integrally related, Roanoke's environment and cultural resources are important assets, and Roanoke must be a beautiful City.**

**She presented the following key recommendations from the Housing and Neighborhoods section of the Plan:**

One of the key recommended strategies for moving the Plan forward is to look at its neighborhoods as villages that are served by small commercial centers. Raleigh Court and South Roanoke neighborhoods have vibrant centers. Henry Street once provided such a center to the Gainsboro neighborhood. The Plan identifies several neighborhood centers and recommends appropriate commercial and mixed housing opportunities around these centers. It is important to point out that the creation of these centers may result in the redevelopment of some existing neighborhood areas - - some demolition of existing residential buildings may have to be done to provide for new mixed use development.

A strong emphasis is placed on creating new housing opportunities in the City – both in the choice of housing type and in the price ranges. It is important that citizens have choices in housing for all neighborhoods and that neighborhoods provide a range of homes, from affordable to high end.

Neighborhood plans will continue to be done for all City neighborhoods. Approximately one third of the City has been studied and plans developed – some of which will be coming to Council in the near future. These plans will complement the Comprehensive Plan and make more detailed recommendations regarding specific strategies and zoning patterns.

With regard to environmental resources, she advised that the City and the region's environmental resources are very important to Roanoke's quality of life and its future; in particular, greenways, viewsheds and trees were identified as critical to Roanoke's future; in addition, the preservation and enhancement of historic properties is critical to understanding Roanoke's sense of place and its past history and it is important to note that the City Market and the City's historic neighborhoods have been successful economic investment tools; and air and water quality is increasingly more important to Roanoke's future sustainability and new regulations will not be easy to deal with, but are needed to have quality air and water now and in the future.

Ms. Lander noted that economic development is fundamental to achieving the goals set forth in the Plan; the Plan recommends an expanded economic base that targets various industry clusters; it is important that the City continue to diversify its economic base and to consider new areas for redevelopment; downtown continues to be key to the City's economic well-being and downtown housing is recommended for expansion, as well as better utilization of second and third floor spaces; village centers are keys to Roanoke's residential neighborhoods and these recommended

commercial and mixed use areas will provide unique environments and services to residents, thereby competing well with surrounding suburb development that relies on the automobile; and regional economic development and approaches continue to be recommended.

It was pointed out that transportation systems do not stop at jurisdictional lines and regional planning for transportation systems is important to ensuring quality development that enhances existing built communities; the development of a multi-modal transportation system for cars, pedestrians, bicycles, and transit is strongly recommended in the Plan because the City should not be dependent on cars for transportation and should encourage sidewalks, greenways, and bicycle facilities, as well as considering transit as alternatives in the future; the regional airport is important to economic development and to the residents of the region and special attention is needed to ensure quality facilities and operations that adequately serve its users; if Roanoke is to attract new technology and businesses that use the technology, it must provide the infrastructure to service those users and continued leadership is needed to work with private businesses to provide services and to promote them as available; and regional approaches to water and sewer facilities, as well as the management of storm water runoff, are recommended.

Ms. Lander advised that community policing as a philosophy for providing public safety continues to be emphasized in making the community safe; recycling also was identified as very important to a sustainable community and programs will need continued leadership to emphasize recycling as important; Code administration for building, zoning, development and nuisance regulations should continue to be improved to meet the needs of Roanoke's citizens and businesses, with careful balancing of interests being important to the success of any new regulations that may be proposed; two multi-service facilities, or centers, are recommended as pilot projects to better serve citizens where the needs are the greatest, which are not meant to duplicate services provided by City Hall, but to provide better access to citizens where it is needed and to have City staff work collaboratively in the community to address issues and needs and it is important to note that these are not community centers and will not be in every neighborhood, but they could be located in existing public buildings in a neighborhood.

She noted that it is essential that the school system continue to provide quality education to Roanoke's youth and that school facilities and programs be available to all citizens beyond school hours; lifelong learning is essential to Roanoke's future for both young and old and libraries and schools should provide quality programs to enhance continued education; workforce development, which is education and training, is critical to both economic development initiatives and that of people; and regional approaches to providing human services should be encouraged and pursued.

**Ms. Lander stated that the design of new buildings and facilities is critical to creating a beautiful City; the Plan provides recommendations for various areas of the City including commercial corridors, streets and neighborhoods which principles serve as guidelines that are to be used to encourage quality development; and it is anticipated that the principles would be promoted through collaborative work efforts between City staff and private developers.**

**She advised that strategic initiatives include target industry clusters, technology infrastructure, redevelopment commercial and industrial, village centers, multi-service facilities, new housing opportunities, critical amenities, marketing and tourism, streetscapes, and a healthy community. She stated that implementation tools include a new zoning ordinance that should be developed over the next year, the City's operating budget and capital improvement program budget should reflect the Comprehensive Plan and adopted Neighborhood Plans, regional cooperation is necessary to effectively achieve many of the goals for the future and public/private partnerships are essential to implementation of the Plan because government cannot do it alone.**

**Ms. Lander stated that the next step is a public forum that is planned for early October at which time the Plan will be "rolled out" and a challenge will be issued to citizens and businesses to work with government on implementing key projects and it is hoped that the forum will be energizing and effective in moving Vision 2001 from a paper plan to action; to measure progress, it is recommended that the City Administration provide Council and the citizens with an annual report card on the actions taken or pending; it is also recommended that community indicators be developed to assist in monitoring the sustainable community, discussions with Virginia Tech have already begun, and the Vital Signs Report from the New Century Council would also be of help; continued citizen involvement is important to ensuring that the City is doing what needs to be done; and ongoing planning for the City and its neighborhoods must continue.**

**The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, the following persons addressed Council and the City Planning Commission:**

**Walter Rugaber, Chair, Vision 2001 Comprehensive Plan Committee, thanked the members of the Advisory Committee and City Planning staff for the caliber of their work.**

**Mr. Joseph Miller, 2812 Longview Avenue, S. W., member of the Design Team, advised that City staff did an outstanding job in soliciting ideas, with good and positive discussion regarding potential residential and commercial developments for the City. He stated that he appreciated the opportunity to participate in his capacity as a member of the Roanoke Valley Home Builders Association, and commended the**

Plan which is pro development for Roanoke City. He advised that the Roanoke Valley Home Builders Association is excited that Roanoke City has taken this position.

Mr. Read A. Lunsford, 1525 West Drive, S. W, advised that meetings provided a well conceived and well coordinated attempt to incorporate input from citizens into the Comprehensive Plan. He stated that he chose to participate in discussions regarding village centers, redeveloping underutilized commercial and industrial sites, and the Design Group. He advised that the City of Roanoke is blessed with a great deal of positive things, but its City Planning staff, City Council and City management team made the process of preparing the Comprehensive Plan an overall pleasurable learning experience.

Elizabeth Belcher, 5998 Grandin Road, S. W., Roanoke Valley Greenway Coordinator, advised that the greenways issue came up in four of the six task groups, which is a reflection that citizens want a walkable, livable community and they view greenways as a part of that community. She stated that she was excited about other parts of the Plan, such as tree canopy, Roanoke as an outdoor destination, conservation easements, watershed protection, protection of the Blue Ridge Parkway, village centers, and connections to Carvins Cove and the Appalachian Trail. She encouraged that all adopted plans of the past be incorporated into the Comprehensive Plan, such as the Carvins Cove Plan, the Parks Master Plan, the Greenways Plan and that other future regional plans be incorporated. She also encouraged revisions to the zoning ordinance which will incorporate and address such things as the Roanoke River overlay, protection of the Roanoke River, Carvins Cove Watershed, development in flood prone areas, and tree canopy goals to protect air quality. She spoke in support of continued work on the Roanoke River Greenway.

Ms. Debbie Nason, 5055 Upland Game Road, Roanoke County, advised that since she is a resident of Roanoke County, it was especially gratifying to participate in the process and to meet different people because the process represented a true cross section of Roanoke and served as a kind of community meeting place, giving persons with different agendas an opportunity to speak out and voice their concerns. She requested that the Comprehensive Plan be simplified and publicized to the community at large.

Ms. Christie Meredith, 2702 Avenel Avenue, S. W., expressed concern with regard to a letter that was published in the Commentary section of The Roanoke Times some time ago entitled, "Roanoke Will Never Be A Youth Magnet". She stated that the author could not be more wrong because Roanoke has all of the raw ingredients to be a vibrant place and the recipe to take those raw ingredients and turn them into an incredible dish which is spelled out in the



**Comprehensive Plan. She advised that she believes in the Comprehensive Plan, there is a ground swell of support for the Plan, there is a mandate for the Plan, and citizens want the Plan to be implemented. She added that good design will make a difference to the City – Roanoke must be a beautiful City and it must be committed to making the physical appearance of the environment excellent because that has a direct relationship to the sustainability of Roanoke’s neighborhoods and the stewardship of its beautiful resources. She stated that once the attractive elements of the City and the region are protected to capitalize on attracting all demographics to Roanoke, the focus should then be on quality of life, entertainment and cultural venues, and development of a market image for the City of Roanoke. She added that improving the environment is good business because companies want to locate in a city that provides their employees and families with a variety of recreational activities such as greenways and biking trails, downtown must be a 24-hour area which means that there should be more downtown living, more choices of entertainment venues and increased funding for cultural organizations, along with creation of an image which must be defined and articulated.**

**Ms. Evelyn D. Bethel, 35 Patton Avenue., N. E., referred to Page 2.1 of the Comprehensive Plan where considerable information related to Roanoke’s past is listed, but fails to indicate that Gainsboro was a City before Roanoke City was chartered, and advised that this portion of the Comprehensive Plan should be revised to indicate the importance of the Gainsboro community. She also referred to Page 3.39 which indicates parking in residential areas typically is not an issue; however, those areas where there are businesses or institutions have some parking conflicts that may require residential parking permits to limit the time of day or duration of parking. She stated that between the words “of” and “parking,” the word “non-residential” should be inserted because the sentence as currently drafted could be interpreted to provide that residents have limited times to park. She inquired as to whether revisions to the Comprehensive Plan will be entertained in the future.**

**In response to Ms. Bethel’s remarks, it was pointed out that the Comprehensive Plan will be revisited on a regular basis. It was also noted that a revision to Chapter 2.1 has been provided to indicate that, “In 1834 the Town of Gainesborough was chartered adjacent to the Village of Big Lick .... The older settlement, including Gainesborough, become known as Old Lick....”**

**There being no further comments from citizens, the City Planning Commission adopted a resolution recommending adoption of Vision 2001, dated August 20, 2001, the Comprehensive Plan for the City of Roanoke, to City Council, recommending adoption as elements of Vision 2001 those Neighborhood Plans and plans of development previously adopted elements of Roanoke Vision.**

(For full text, see resolution on file in the City Clerk's Office.)

Mr. Hudson offered the following ordinance:

(#35535-082001) AN ORDINANCE adopting Vision 2001, dated August 20, 2001, the comprehensive plan for the City of Roanoke, adopting as elements of Vision 2001 those neighborhood plans and plans of development previously adopted as elements of Roanoke Vision, and dispensing with the second reading of this ordinance by title.

Mr. Hudson moved the adoption of Ordinance No. 35535-082001. The motion was seconded by Mr. Carder and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

The Mayor declared the public hearing closed.

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke that a certain tract of land containing approximately 2.80 acres, more or less, located on Colonial Avenue, S. W., being a portion of a larger tract of land bearing Official Tax No. 1570101, be rezoned from RS-2, Residential Single-family District, to C-2, General Commercial District, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 3, and Friday, August 10, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the City of Roanoke owns a tract of land containing approximately 29.2 acres along Colonial Avenue, S. W.; the property is currently zoned RS-2, Residential Single-Family District; in July, 2001, Carilion Health Systems approached the City with an offer to purchase a portion of the property along Colonial Avenue for the purpose of developing medical offices, which are not permitted in the RS-2 district; and the City requested that a 2.8

acre portion of the property be rezoned from RS-2 to C-2, General Commercial District, was before Council.

The City Planning Commission recommended that Council approve the request for rezoning.

(For full text, see report on file in the City Clerk's Office.)

Mr. Carder offered the following emergency ordinance:

(#35536-082001) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 157, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Carder moved the adoption of Ordinance No. 35536-082001. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to address Council with regard to the request. There being none, Ordinance No. 35536-082001 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

The Mayor declared the public hearing closed.

**PURCHASE/SALE OF PROPERTY-CITY PROPERTY-HOSPITALS:** Pursuant to action of the Council, the City Clerk having advertised a public hearing for Monday, August 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke to sell City property located on Colonial Avenue, S. W., to Carilion Health Systems (CHS, Inc.), containing approximately 2.8 acres, more or less, and being a portion of Official Tax No. 1570101 and a 50-foot easement, for a term of five years across adjacent City-owned property located on Colonial Avenue, upon certain terms and conditions, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, August 12, 2001.

**(See publisher's affidavit on file in the City Clerk's Office.)**

**A communication from the City Manager advising that Carilion Health Systems (CHS, Inc.) has offered to purchase 2.8 acres of City property located on Colonial Avenue, described as a portion of Official Tax No. 1570101, for the purpose of establishing a medical clinic and/or medical office; the City Planning Commission held a public hearing on the proposed rezoning of the parcel of land on August 16, 2001; and the 2.8-acre parcel of land was recently appraised at \$365,000.00.**

**The City Manager recommended, following the public hearing, that she be authorized to execute a real estate sale agreement between the City of Roanoke and Carilion Health Systems, Inc., for the City to sell to Carilion Health Systems a tract of City-owned land containing 2.80 acres, more or less, and a 50 foot easement, for a term of five years (identified as "New Parcel A" and "New Private Drive and Ingress/Egress Easement" respectively, on a plat entitled "Preliminary Subdivision Map") in the amount of \$375,000.00.**

**(For full text, see communication on file in the City Clerk's Office.)**

**Mr. Carder offered the following emergency ordinance:**

**(#35537-082001) AN ORDINANCE authorizing the City Manager to execute an agreement, deed and any related and necessary documents providing for the sale and conveyance of City-owned property located on Colonial Avenue, S. W., containing approximately 2.80 acres, more or less, and being a portion of Official Tax No. 1570101, and a five-year ingress/egress easement to CHS, Inc., upon certain terms and conditions, and dispensing with the second reading of this ordinance by title.**

**(For full text of Ordinance, see Ordinance Book No. 64.)**

**Mr. Carder moved the adoption of Ordinance No. 35537-082001. The motion was seconded by Mr. Harris.**

**The Mayor inquired if there were persons in attendance who would like to address Council with regard to the matter; whereupon, Hugh Thornhill, President and CEO of Carilion Medical Group, which currently rents its Colonial Avenue medical practice office at the corner of Ogden Road and Colonial Avenue, S. W., advised that in the year 2002 the lease on the building will expire, thus, representatives of Council have worked with the City to locate three - five acres of land or 12,000 - 14,000 square feet of established space, to relocate its facility. He stated that originally, their interest was in the former Roanoke Montessori School site; however, the property was later leased to the New Vista Montessori School. He called attention to meetings with the**

City Planning Department in which the neighborhood village concept was presented and negotiations continued, with the goal of beginning the construction process in the Colonial Avenue area no later than September, 2001. He stated that there have been numerous revisions to a proposed site plan to conform to the neighborhood planning concept, discussions have taken place with the Virginia Department of Transportation concerning turn lanes, deceleration lanes, creation of safe access to the site and engineering studies relating to soil surveys and appraisals. He advised that the value of the transaction has been determined by each party by independent appraiser which is fair market for commercial real estate; completing this transaction will provide the City with an attractive anchor development and an excellent basis for further residential development of the upper part of the Colonial Avenue property with a primary care medical office which is considered to be a good neighbor in a residential area, while adding another business to the City's tax base. He asked that Council act favorably on the request.

Ordinance No. 35537-082001 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member White was absent.)

The Mayor declared the public hearing closed.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Lee Hi Land Group that conditions on property located on the north side of Orange Avenue, N. E., one-quarter mile east of Granby Street, Official Tax No. 7140114, which was rezoned pursuant to Ordinance No. 33516-080497, be amended, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 3, and Friday, August 10, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission advising that the property is a vacant lot in the 3000 block of Orange Avenue (Route 460) between Granby Street and Seibel

Drive; and in 1997, the property was rezoned from LM to C-2, with the following proffered conditions, was before Council:

The property will be developed in substantial conformity with the development plan; and

The property will not be used for a neighborhood or highway convenience store, a fast-food restaurant or outdoor advertising.

It was further advised that a petition to amend the conditions of rezoning was filed on February 1, 2001; a second amended petition was filed on April 11, 2001; and the second amended petition proffers the following conditions:

The property will not be used for a neighborhood or highway convenience store, a fast-food restaurant, or outdoor advertising; and

A maximum of one entrance off of Route 460.

It was noted that a Third Amended Petition was filed on July 10, 2001, to clarify the street extension of Granby Street, N. E., with none of the conditions proffered in the Second Amended Petition having been changed.

The City Planning Commission recommended that Council approve the request to amend proffered conditions, and advised that the amended conditions address inappropriate uses of the site, as well as limiting the number of curb cuts to one.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following ordinance:

(#35538-082001) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 714, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned C-2, General Commercial District, and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35538-082001. The motion was seconded by Mr. Carder.

Robert Copt, representing Lee Hi Land Group, advised that the property was rezoned for a Goodwill Store in 1997; however, the lease was not consumated but the property continues to be governed by the proffers enacted pursuant to the rezoning. He stated that elimination of the development plan proffers will provide more flexibility in developing the site, and site plan review will be addressed by City Planning staff at the appropriate time. He asked that Council vote favorably on the request.

Mr. Bestpitch advised that currently, there is no specific plan for any type of development on the property, and spoke against the City foregoing its opportunity to review proffers in connection with any structure that might be sited on the property. He stated that in earlier action, Council adopted the Comprehensive Plan and indicated its intent to move toward requiring more design guidelines, and the proposal under consideration would provide the City with an opportunity to have an impact on the design plan for the property. He advised that he had not heard testimony that would convince him that the request of the petitioners is in the best interest of the City.

Ordinance No. 35538-082001 was adopted by the following vote:

AYES: Council Members Wyatt, Carder, Harris, Hudson, and Mayor Smith---5.

NAYS: Council Member Bestpitch-----1.

(Council Member White was absent.)

The Mayor declared the public hearing closed.

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 20, 2001, at 7:00 p. m., or as soon thereafter as the matter may be heard, on the request of Larry Bly and Martin Hall that property located at 322 Bullitt Avenue, S. E., Official Tax No. 4013516, be rezoned from LM, Light Manufacturing District, to C-1, Office District, the matter was before the body.

Due to an advertising technicality, the Mayor advised that the public hearing would be readvertised for Monday, September 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard by the Council, in the City Council Chamber.

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 20, 2001, at 7:00 p. m., or as soon thereafter as the matter may be heard, on the request of Kayser Properties, LLC, that a portion of Old Thirlane Road, N. W., bounded on the west by I-581 and on the east by property bearing Official Tax

No. 5420106, be permanently vacated, discontinued and closed, the matter was before the body.

Due to an advertising technicality, the Mayor advised that the public hearing would be readvertised for Monday, September 17, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard by the Council, in the City Council Chamber.

**ZONING:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Newbern Properties, LP., that property located at the terminus of Tuckawana Circle, N. W., containing approximately 1.67 acre, Official Tax No. 6472003, be rezoned from RM-2, Residential Multifamily, Medium Density District, to LM, Light Manufacturing District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in The Roanoke Times on Friday, August 3, and Friday, August 10, 2001.

(See publisher's affidavit on file in the City Clerk's Office.)

A report of the City Planning Commission recommending that Council approve the request, subject to certain conditions proffered by the petitioner, was before the body.

(For full text, see report on file in the City Clerk's Office.)

Mr. Hudson offered the following ordinance:

(#35539-082001) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 647, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 64.)

Mr. Hudson moved the adoption of Ordinance No. 35539-082001. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons in attendance who would like to address Council regarding the matter. There being none, Ordinance No. 35539-082001 was adopted by the following vote:



**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member White was absent.)**

**The Mayor declared the public hearing closed.**

**CITY CODE-ANIMALS/INSECTS-COMPLAINTS:** Pursuant to action of the Council, City Clerk having advertised a public hearing for Monday, August 20, 2001, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the issue of whether the Code of the City of Roanoke (1979), as amended, should be amended to prohibit the keeping of cattle, sheep, goats and swine in areas of the City not zoned for agricultural use, unless on a farm of five acres in size or larger, the matter was before the body.

**Legal advertisement of the public hearing was published in The Roanoke Times on Sunday, August 12, 2001.**

**(See publisher's affidavit on file in the City Clerk's Office.)**

**A communication from the City Manager advising that Section 6-7 of the City Code permits the keeping of cattle, sheep, goats, or swine in areas zoned for agricultural use when pens are at least 300 feet from residential property lines, or on farms that are a minimum of five acres in size; and the City Code also allows a person to keep one sheep or goat as a household pet in residential areas, was before Council.**

**It was further advised that recently, residents of Old Southwest reported problems with a goat and complained that conditions were poor and the smell was a nuisance; a petition was submitted to the City Manager on July 9, 2001, complaining about the noise, smell, and flies in the neighborhood, with a request that the outdated ordinance be revised; in the interim, the property owner has been cited by Animal Control, was convicted in court of a public nuisance, and fined; and revisions to the City Code are proposed which will prohibit the keeping of sheep or goats in residential areas, unless on a farm of at least five acres, or except when such animals are kept for less than 24 hours in connection with certain commercial purposes and conditions.**

**The City Manager recommended that Council amend the City Code to provide that cattle, sheep, goats or swine may not be kept in any area of the City not zoned for agricultural use, except when such animals are kept for less than 24 hours for**

certain commercial purposes when more than 300 feet from any residential building, and except when such animals are kept on farms of five acres or more.

(For full text, see communication on file in the City Clerk's Office.)

Ms. Wyatt offered the following ordinance:

**(#35540-082001) AN ORDINANCE amending and reordaining §6-7, Limitation on keeping cattle, sheep, goats and swine, of Article I, In General, of Chapter 6, Animals and Fowl, of the Code of the City of Roanoke (1979), as amended, to prohibit the keeping of any cattle, swine, sheep or goat in any area of the City not zoned for agricultural use; dispensing with the second reading of this ordinance by title; and providing for an effective date.**

(For full text of Ordinance, see Ordinance Book No. 64.)

Ms. Wyatt moved the adoption of Ordinance No. 35540-082001. The motion was seconded by Mr. Carder.

The Mayor inquired if there were persons in attendance who would like to address Council regarding the matter. There being none, Ordinance No. 35540-082001 was adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Carder, Harris, Hudson, and Mayor Smith-----6.**

**NAYS: None-----0.**

(Council Member White was absent.)

The Mayor declared the public hearing closed.

**OTHER HEARING OF CITIZENS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately, without objection by Council, for response, report or recommendation to Council.

**COMPLAINTS-CITY COUNCIL:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., corrected a statement made by the Mayor at the 2:00 p. m. Council session, in which he noted that he had met with Ms. Helen E. Davis following the last City Council meeting. She clarified that the meeting did not relate to City business, but involved Mayor Smith as a private citizen and not as a member of City Council.

She suggested that instead of prohibiting goats in the City of Roanoke, the City should use goats as a means of clearing overgrown City lots of grass and weeds.

**COMPLAINTS-CITY COUNCIL:** Ms. Helen E. Davis, 35 Patton Avenue, N. E., continued her remarks which were presented at the 2:00 p. m. Council session. She advised that there are many City projects, all proceeding on a fast track, and citizens are not permitted to engage in dialogue with Council Members within the confines of the three to five minutes that citizens are allotted to speak at City Council meetings. She suggested that Council Members meet with citizens in the various quadrants of the City to engage in discussion dialogue on matters of mutual interest and concern. She stated that more employees should be hired in the Solid Waste Department to address refuse collection issues. She thanked Mr. Hudson for speaking out about curbside refuse collection and the \$31 million bond issue by the City without input from Roanoke's citizens. She stated that the sharp and abrupt manner at the 2:00 p.m., Council session in which Ms. Stanley was not permitted to complete her statement regarding refuse collection service was in contrast to the way that a speaker was allowed to complete her remarks during the Comprehensive Plan public hearing at the 7:00 p.m., Council session. She stated that all citizens should be treated fairly with time limitations and tone of voice.

There being no further business, the Mayor declared the meeting adjourned at 8:50 p. m.

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
**City Clerk**

**Ralph K. Smith**  
**Mayor**

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